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<u>May 8, 2003</u> Date	<u>[Signature]</u> Signature

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Shuyuan Zhang, et al.

Serial No.: 10/033,571

Filed: December 27, 2001

For: METHOD FOR PRODUCING PURIFIED
ADENOVIRAL VECTORS

Group Art Unit: UNASSIGNED

Examiner: UNASSIGNED

Atty. Dkt. No.: 29853/37702

STATEMENT OF DEBORAH WILSON AND LUCETTA CASTON

We, Deborah Wilson and Lucetta Caston, each hereby state the following:

- (1) I was not originally named as an inventor in U.S. Patent Application Serial No. 10/033,571.
- (2) The failure to name me as an inventor in U.S. Patent Application Serial No. 10/033,571 occurred without any deceptive intent on my part.

[Signature]
Deborah Wilson

7/11/02
Date

Lucetta Caston

Date



CERTIFICATE OF MAILING
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- (2) The failure to name me as an inventor in U.S. Patent Application Serial No. 10/033,571 occurred without any deceptive intent on my part.

Deborah Wilson

Lucetta Caston
Lucetta Caston

Date

Aug 1, 2002
Date



PATENT
INRP:058

#11

DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **AN IMPROVED METHOD FOR THE PRODUCTION AND PURIFICATION OF ADENOVIRAL VECTORS**, the Specification of which:

- ☐ is attached hereto.
☒ was filed on **November 20, 1997** as Application Serial No. **08/975,519**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

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60/031,329	November 20, 1996	Co-Pending
(Application Serial No.)	(Filing Date)	(Status)

I hereby direct that all correspondence and telephone calls be addressed to Steven L. Highlander, Fulbright & Jaworski, L.L.P., 600 Congress Avenue, Suite 2400, Austin, Texas 78701, (512)536-3000.

I HEREBY DECLARE THAT ALL STATEMENTS MADE OF MY OWN KNOWLEDGE ARE TRUE AND THAT ALL STATEMENTS MADE ON INFORMATION AND BELIEF ARE BELIEVED TO BE TRUE; AND FURTHER THAT THESE STATEMENTS WERE MADE WITH THE KNOWLEDGE THAT WILLFUL FALSE

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Inventor's Full Name:	Shuyuan		Zhang
Inventor's Signature:			
Country of Citizenship:	People's Republic of China	Date:	
Residence Address: (street, number, city, state, and/or country)	3027 Orchard Gate Sugarland, Texas 77479		
Post Office Address: (if different from above)			

Inventor's Full Name:	Capucine		Thwin
Inventor's Signature:			
Country of Citizenship:	USA	Date:	
Residence Address: (street, number, city, state, and/or country)	9018 Herts Road Spring, Texas 77379		
Post Office Address: (if different from above)			

Inventor's Full Name:	Zheng		Wu
Inventor's Signature:			
Country of Citizenship:	People's Republic of China	Date:	
Residence Address: (street, number, city, state, and/or country)	2930 Cotton Stock Sugarland, Texas 77479		
Post Office Address: (if different from above)			

Inventor's Full Name:	Toohyon		Cho
Inventor's Signature:			
Country of Citizenship:	Korea	Date:	
Residence Address: (street, number, city, state, and/or country)	3600 Chestnut St., Apt 311 Philadelphia, PA 19104-6106		
Post Office Address: (if different from above)			

Inventor's Full Name:	Deborah		Wilson
Inventor's Signature:	<i>Deborah Wilson</i>		
Country of Citizenship:	USA	Date:	7/11/02
Residence Address: (street, number, city, state, and/or country)	11022 Silkwood Houston, TX 77031		
Post Office Address: (if different from above)			

Inventor's Full Name:	Lucetta		Caston
Inventor's Signature:			
Country of Citizenship:	USA	Date:	
Residence Address: (street, number, city, state, and/or country)	101 Walker Road Limerick, PA 19468		
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Inventor's Signature:			
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Inventor's Full Name:	Toohyon		Cho
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Country of Citizenship:	Korea	Date:	
Residence Address: (street, number, city, state, and/or country)	3600 Chestnut St., Apt 311 Philadelphia, PA 19104-6106		
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Inventor's Full Name:	Deborah		Wilson
Inventor's Signature:			
Country of Citizenship:	USA	Date:	
Residence Address: (street, number, city, state, and/or country)	11022 Silkwood Houston, TX 77031		
Post Office Address: (if different from above)			

Inventor's Full Name:	Lucetta		Caston
Inventor's Signature:	<i>Lucetta Caston</i>		
Country of Citizenship:	USA	Date:	
Residence Address: (street, number, city, state, and/or country)	101 Walker Road Limerick, PA 19468		
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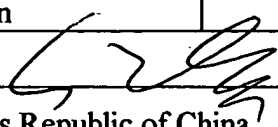
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Inventor's Full Name:	Shuyuan	Zhang
Inventor's Signature:		
Country of Citizenship:	People's Republic of China	Date: 15 July 2002
Residence Address: (street, number, city, state, and/or country)	2222 Settlers Way Blvd, Apt 613 Sugarland TX 77478	
Post Office Address: (if different from above)		

Inventor's Full Name:	Capucine	Thwin
Inventor's Signature:		
Country of Citizenship:	USA	Date:
Residence Address: (street, number, city, state, and/or country)	5246 Avenue West Apt 105 Seattle WA 98119	
Post Office Address: (if different from above)		

Inventor's Full Name:	Zheng	Wu
Inventor's Signature:		
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Inventor's Full Name:	Lucetta		Caston
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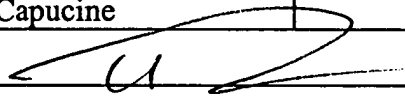
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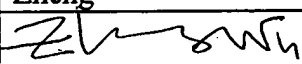
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Inventor's Full Name:	Zheng		Wu
Inventor's Signature:			
Country of Citizenship:	People's Republic of China	Date:	12/31/02
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PATENT
INGN:058

JUN 3 1996

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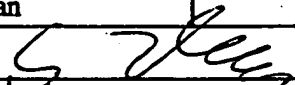
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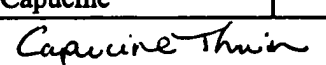
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I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of title 18 of the united states

code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name:	Shuyuan	Zhang
Inventor's Signature:		
Country of Citizenship:	China	Date: 4/8/98
Residence Address: (street, number, city, state, and/or country)	3027 Orchard Gate Sugar Land, TX 77479	
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Country of Citizenship:	U.S.A	Date: 4/8/98
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Inventor's Full Name:	Toohyon		Cho
Inventor's Signature:			
Country of Citizenship:		Date:	
Residence Address: (street, number, city, state, and/or country)	874 Yorkchester #102 Houston Texas		
Post Office Address: (if different from above)			

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to INTROGEN THERAPEUTICS, INC. (the "Assignee"), having a place of business at 301 Congress Avenue, Suite 1850, Austin, TX 78701, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 08/975,519 which has been filed on November 20, 1997 and is entitled "METHOD FOR THE PURIFICATION OF ADENOVIRAL VECTORS", such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature: Lucetta Caston
Name: Lucetta Caston

Date: 02 AUG 2002

STATE OF Pennsylvania)
) ss.
COUNTY OF Delaware)

BEFORE ME, the undersigned authority, on this 2nd day of August, 2002 personally appeared Lucetta Caston, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same of her own free will for the purposes and consideration therein expressed.

Janet A. Ross
Notary or Consular Officer

NOTARIAL SEAL
JANET A. ROSS, Notary Public
Radnor Twp., Delaware County
My Commission Expires June 26, 2003

[SEAL]

Signature: _____
Name: Deborah Wilson

Date: _____

STATE OF _____)
) ss.
COUNTY OF _____)

BEFORE ME, the undersigned authority, on this ____ day of _____, 2002 personally appeared Deborah Wilson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same of her own free will for the purposes and consideration therein expressed.

Notary or Consular Officer

[SEAL]

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to INTROGEN THERAPEUTICS, INC. (the "Assignee"), having a place of business at 301 Congress Avenue, Suite 1850, Austin, TX 78701, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 08/975,519 which has been filed on November 20, 1997 and is entitled "METHOD FOR THE PURIFICATION OF ADENOVIRAL VECTORS", such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature: _____ Date: _____
Name: Lucetta Caston

STATE OF _____)
COUNTY OF _____) ss.

BEFORE ME, the undersigned authority, on this _____ day of _____, 2002 personally appeared Lucetta Caston, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same of her own free will for the purposes and consideration therein expressed.

Notary or Consular Officer

[SEAL]

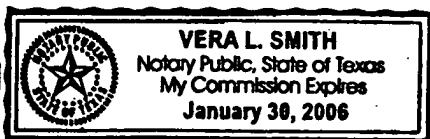
Signature: Deborah Wilson Date: 11 Jun 02
Name: Deborah Wilson

STATE OF Texas)
COUNTY OF Harris) ss.

BEFORE ME, the undersigned authority, on this 11 day of July, 2002 personally appeared Deborah Wilson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same of her own free will for the purposes and consideration therein expressed.

Vera L. Smith
Notary or Consular Officer

[SEAL]



FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701

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444/mcn

AUSTIN



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

AUGUST 12, 1998

PTAS

ARNOLD, WHITE & DURKEE
STEVEN L. HIGHLANDER
P.O. BOX 4433
HOUSTON, TEXAS 77210



100733332A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/26/1998

REEL/FRAME: 9220/0173
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ZHANG, SHUYUAN

DOC DATE: 04/08/1998

ASSIGNOR:

THWIN, CAPUCINE

DOC DATE: 04/08/1998

ASSIGNOR:

WU, ZHENG

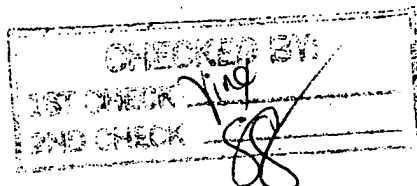
DOC DATE: 04/08/1998

ASSIGNEE:

INTROGEN THERAPEUTICS, INC.
301 CONGRESS AVE.
SUITE 1850
AUSTIN, TEXAS 78701

SERIAL NUMBER: 08975519
PATENT NUMBER:

FILING DATE: 11/20/1997
ISSUE DATE:



REC'D - A.W.D.

AUG 17 1998

DOCKET DESK

9220/0173 PAGE 2

TONYA LEE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to Introgen Therapeutics, Inc. (the "Assignee"), a Delaware corporation, having a place of business at 301 Congress Avenue, Suite 1850, Austin, Texas 78701, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 08/975,519 which has been filed on November 20, 1997 and is entitled "AN IMPROVED METHOD FOR THE PRODUCTION AND PURIFICATION OF ADENOVIRAL VECTORS", such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature: [Signature]
Name: Shuyuan Zhang

Date: 4/8/98

STATE OF Texas)
) ss.
COUNTY OF Harris)

BEFORE ME, the undersigned authority, on this 8th day of April, 1998, personally appeared Shuyuan Zhang, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.



[SEAL]

Tia M. Stovall-Artisist
Notary or Consular Officer

Signature: Capucine Thwin
Name: Capucine Thwin

Date: 4/8/98

STATE OF Texas)
) ss.
COUNTY OF Harris)

BEFORE ME, the undersigned authority, on this 8th day of April, 1998, personally appeared Capucine Thwin, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.



[SEAL]

Tia M. Stovall-Artisist
Notary or Consular Officer

Signature: Zheng Wu
Name: Zheng Wu

Date: 4/8/98

STATE OF TX)
COUNTY OF Harris) ss.

BEFORE ME, the undersigned authority, on this 8th day of April, 1998, personally appeared Zheng Wu, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of he/her own free will for the purposes and consideration therein expressed.

[SEAL]



Tia M. Stovall-Artist
Notary or Consular Officer

Signature: _____
Name: Toohyon Cho

Date: _____

STATE OF _____)
COUNTY OF _____) ss.

BEFORE ME, the undersigned authority, on this ____ day of _____, 1998, personally appeared Toohyon Cho, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same of his/her own free will for the purposes and consideration therein expressed.

[SEAL]

Notary or Consular Officer

ARNOLD, WHITE & DURKEE
P. O. Box 4433
Houston, Texas 77210
2001 Jefferson Davis Hwy., Ste. 401
Arlington, Virginia 22202

AUSTIN

AP
INRP: 058



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

ARNOLD WHITE AND DURKEE
PO BOX 4433
HOUSTON TX 77210-4433

COPY MAILED

FEB 26 1999

In re Application of
Zhang, Thwin, Wu and Cho
Application No. 08/975,519
Filed: November 20, 1997
For: Method for the Production and
Purification of Adenoviral Vectors

SPECIAL PROGRAMS OFFICE
DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the papers filed January 20, 1999 which have been treated as a request for reconsideration of the petition under 37 CFR 1.47(a).

The petition is granted.

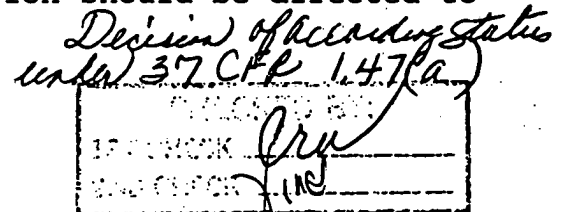
Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

Telephone inquiries regarding this decision should be directed to the undersigned at (703)306-3159.

Karin Tyson
Karin Tyson
Senior Legal Advisor
Special Program Law Office
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
MAY 19 2003
TECH CENTER 1600/2900

In re Patent Application of:
Zhang, *et al.*

Application No.: 10/033,571

Group Art Unit: 1648

Filed: December 27, 2001

Examiner: M. Mosher

For: Method for Producing Purified Adenoviral
Vectors

CONSENT TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.48(a)

Commissioner for Patents
Washington, DC 20231

Dear Sir:

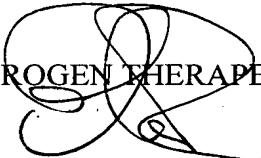
In accordance with 37 C.F.R. § 1.48(a), Introgen Therapeutics, Inc., the sole assignee of the above-referenced application, as evidenced by an assignment recorded in the U.S. Patent and Trademark Office at Reel 9220, Frame 0173 and the attached assignments of Lucetta Caston and Deborah Wilson, which are being simultaneously recorded herewith, hereby consents to the correction of an error in inventorship, which occurred without deceptive intent, and supports the petition filed herewith.

Date:

5/7/03

INTROGEN THERAPEUTICS, INC.

By:


David L. Parker
Vice President, Intellectual Property